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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,171	11/20/2000	Pierre Dupuy	Q61862	6878

7590

07/31/2003

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EXAMINER

IQBAL, KHAWAR

ART UNIT

PAPER NUMBER

2686

3

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/715,171

Applicant(s)

DUPUY, PIERRE

Examiner

Khawar Iqbal

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2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 02.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2,4-7,9 and 10 rejected under 35 U.S.C. 102(e) as being unpatentable by Boetzel (6377541).
3. Regarding claim 1 Boetzel teaches a transmission apparatus comprising (abstract) a first relay receiving data messages formatted in a first protocol from a transmitter and converting the data received in this way into data formatted in a second protocol, a second relay connected to the first relay and receiving the data messages formatted in the second protocol (col. 7, lines 22-40) and transmitting them in a synchronous mode to a receiver (col. 3, lines 29-46), and a limited data rate transmission channel interconnecting the two relays; wherein, since said data messages formatted in said second protocol can be of different lengths, said apparatus includes means for transmitting said data messages that can be of different lengths over said limited data rate transmission channel in an asynchronous mode (col. 3, lines 46-59, col. 5, lines 13-40, col. 6, lines 13-27).

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4. Regarding claim 2 Boetzel teaches including a buffer memory in the second relay, interposed in a transmission path of said second relay to store received messages and then to transmit them to the receiver (col. 2, lines 1-17).
5. Regarding claim 4 Boetzel teaches wherein the first protocol has a plurality of data rates for transmitting payload bits, the rate at which payload bits are transmitted over the limited data rate transmission channel being intermediate in value between the data rates of the first protocol (col. 3, lines 29-59, col. 6, lines 21-40).
6. Regarding claim 5 Boetzel teaches wherein the buffer memory is of the first-in-first-out type (col. 2, lines 1-
7. Regarding claim 6 Boetzel teaches a transmission method comprising the following steps (abstract):
 - receiving, in a first relay, messages formatted in a first protocol and coming from a transmitter (col.7, lines 21-40);
 - converting the data received in this way into data formatted in a second protocol (col. 7, lines 21-40);
 - transmitting the data formatted in the second protocol to a second relay connected to the first relay by a limited data rate transmission channel (col. 3, lines 29-46, col. 7, lines 21-40); and
 - transmitting, in a synchronous mode, the data formatted in the second protocol from the second relay to a receiver (col. 3, lines 29-46, col. 7, lines 21-40);
 - wherein said data messages formatted in said second protocol can be of different lengths, said method including transmitting said data messages capable of having

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different lengths over said limited data rate transmission channel in an asynchronous mode (col. 3, lines 46-59, col. 5, lines 13-40, col. 6, lines 13-27).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3,8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boetzel (6377541) and further in view of Jari et al (WO 9909724).

10. Regarding claim 3 and 8 Boetzel teaches for modifying a determined order of retransmission or for storing a copy of a message that is to be retransmitted in the buffer memory (col.3, lines 29-59, col. 7, lines 21-40). Boetzel does not specifically teach second relay includes a decoder. Boetzel teaches the data to be transferred are preferably read directly prior to their transmission from the cyclical buffer, and are written, together with the indication and error protection data, into a transmitting buffer for their transmission. The data packets which were not transmitted free of errors are preferably transmitted repeatedly.

In an analogous art, Jari et al teaches second relay includes a decoder (abstract, page 1, lines 3-14, col. 5, lines 19-26). Each radio block is channel coded using a certain coding method and the size of said payload is dependent on the coding method.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Boetzel by specifically adding features using coding method to increasing the efficiency of the system as taught by Jari et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **BANKS-HAROLD, MARSHA**, can be reached at 703-305-4379.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

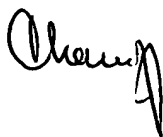
or faxed to:

(703) 872-9314 (for Technology Center 2684 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Khawar Iqbal



**MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**